

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. : 5:11-CR-229-F-8

UNITED STATES OF AMERICA

V. .

DAVID LEWIS . Wilmington, NC

November 16, 2011
Wilmington, NC

DEFENDANT .

TRIAL

BEFORE THE HONORABLE JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE AND A JURY

APPEARANCES:

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1 PROCEEDINGS 3:42 P.M.

2 (DEFENDANT PRESENT.)

3 (IN THE PRESENCE OF THE JURY AND ALTERNATES.)

4 (THE FOLLOWING IS THE EXCERPTED TRIAL TESTIMONY OF
5 STEPHANIE SMITH.)

6 THE COURT: YOU MAY STEP DOWN. CALL YOUR NEXT
7 WITNESS.

8 MS. WELLS: THANK YOU, YOUR HONOR. THE GOVERNMENT
9 WILL CALL STEPHANIE SMITH.

10 (PAUSE.)

11 STEPHANIE SMITH, GOVERNMENT WITNESS, SWORN

12 DIRECT EXAMINATION 3:42 P.M.

13 BY MS. WELLS:

14 Q. MS. SMITH, WHERE ARE YOU LIVING RIGHT NOW?

15 | A. AT THE RALEIGH WOMEN'

16 Q. OKAY. AND WHY ARE YOU IN THE RALEIGH WOMEN'S PRISON?

17 A. BECAUSE I'VE GOT A CONSPIRACY CHARGE AND A PRECURSOR
18 CHARGE.

19 Q. OKAY. YOU'RE SERVING A STATE SENTENCE RIGHT NOW, IS THAT
20 CORRECT?

21 A. YES, MA'AM.

22 Q. AND WHILE YOU WERE SERVING YOUR STATE SENTENCE WERE YOU
23 INDICTED FEDERALLY?

24 A. YES, MA'AM.

25 Q. OKAY. AND HAVE YOU ENTERED A GUILTY PLEA TO YOUR FEDERAL

1 CHARGES?

2 A. YES, MA'AM.

3 Q. DO YOU HAVE AN ATTORNEY?

4 A. YES, MA'AM.

5 Q. AND HIS NAME IS JAMES CRAVEN, IS THAT CORRECT?

6 A. YES.

7 MS. WELLS: MAY I APPROACH THE WITNESS, YOUR HONOR?

8 THE COURT: YES, MA'AM.

9 BY MS. WELLS:

10 Q. MS. SMITH, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED FOR
11 IDENTIFICATION PURPOSES AS GOVERNMENT'S EXHIBIT 84. CAN YOU
12 TAKE A LOOK AT THAT AND TELL ME IF YOU RECOGNIZE IT?

13 A. YES, THAT'S MY PLEA AGREEMENT.

14 (GOVERNMENT EXHIBIT NUMBER 84

15 WAS IDENTIFIED FOR THE RECORD.)

16 Q. OKAY. AND WILL YOU TAKE A LOOK AT THE LAST PAGE OF YOUR
17 PLEA AGREEMENT?

18 A. YES, MA'AM.

19 Q. ARE THERE SIGNATURES ON THE LAST PAGE?

20 A. YES, MA'AM.

21 Q. AND WHOSE SIGNATURES ARE ON THERE?

22 A. MINE, MY LAWYER'S JAMES CRAVEN, YOUR SIGNATURE, AND JUDGE
23 FOX.

24 Q. AND WHEN YOU SIGNED -- WHEN YOU RECEIVED YOUR PLEA
25 AGREEMENT, DID MR. CRAVEN GO THROUGH IT WITH YOU?

1 A. YES, MA'AM.

2 Q. DID HE GO THROUGH EVERY SINGLE PORTION OF THE PLEA
3 AGREEMENT WITH YOU?

4 A. YES, MA'AM.

5 Q. DID HE ANSWER ANY QUESTIONS THAT YOU HAD ABOUT IT?

6 A. YES, MA'AM.

7 Q. WHEN YOU SIGNED THIS PLEA AGREEMENT, DID YOU UNDERSTAND
8 EVERY TERM IN IT?

9 A. YES.

10 Q. OKAY.

11 MS. WELLS: YOUR HONOR, AT THIS TIME I'D OFFER
12 GOVERNMENT'S EXHIBIT 84.

13 THE COURT: IT'S ADMITTED.

14 (GOVERNMENT EXHIBIT NUMBER 84 WAS
15 OFFERED AND ADMITTED INTO EVIDENCE.)

16 MS. WELLS: THANK YOU VERY MUCH.

17 BY MS. WELLS:

18 Q. MS. SMITH, I'M GOING TO TALK TO YOU ABOUT SOME SPECIFIC
19 PROVISIONS IN YOUR PLEA AGREEMENT.

20 A. OKAY.

21 Q. FIRST OFF I'M GOING TO DIRECT YOUR ATTENTION TO PAGE TWO
22 OF GOVERNMENT'S EXHIBIT 84, SPECIFICALLY TO THE PORTION THAT'S
23 THE H SECTION THAT GOES INTO PAGE THREE OF YOUR PLEA
24 AGREEMENT. DID YOU GO THROUGH THAT SECTION --

25 A. YES.

1 Q. -- WITH YOUR ATTORNEY? AND THAT REQUIRES -- AND THAT
2 SAYS THAT YOU ARE TO TESTIFY WHENEVER CALLED UPON TO DO SO BY
3 THE GOVERNMENT FULLY AND TRUTHFULLY IN ANY PROCEEDING AND TO
4 DISCLOSE FULLY AND TRUTHFULLY IN INTERVIEWS WITH GOVERNMENT
5 AGENTS INFORMATION CONCERNING ALL CONDUCT RELATED TO THE
6 CRIMINAL INDICTMENT AND ANY OTHER CRIMES OF WHICH THE
7 DEFENDANT HAS KNOWLEDGE. THAT'S PARTIALLY WHAT IT SAYS, IS
8 THAT CORRECT?

9 A. YES, MA'AM.

10 Q. AND MR. CRAVEN WENT THOUGH THAT WITH YOU?

11 A. YES, MA'AM.

12 Q. AND WHAT DID YOU UNDERSTAND THAT TO MEAN?

13 A. I NEEDED TO PUT FORTH FULL COOPERATION IN WITH THE
14 GOVERNMENT WITH ANYTHING --

15 Q. AND WHAT KIND OF -- GO AHEAD.

16 A. YEAH. WITH ANYTHING THEY NEEDED ME TO DO. I KNEW I
17 WOULD PROBABLY HAVE TO TESTIFY.

18 Q. OKAY. AND WHEN YOU -- DID HE GO THROUGH SECTION I WITH
19 YOU?

20 A. YES, MA'AM.

21 Q. AND THAT READS IF THE DEFENDANT PROVIDES FALSE,
22 INCOMPLETE, OR MISLEADING INFORMATION OR TESTIMONY, THIS WOULD
23 CONSTITUTE A BREACH OF THIS AGREEMENT BY THE DEFENDANT?

24 A. YES, MA'AM.

25 Q. AND THAT'S WHAT IT SAYS IN THE FIRST SENTENCE OF THAT

1 SECTION, IS THAT CORRECT?

2 A. YES.

3 Q. DID YOU UNDERSTAND WHAT SECTION I MEANT WHEN YOU SIGNED
4 THIS PLEA AGREEMENT?

5 A. YES, MA'AM.

6 Q. AND WHAT DID SECTION I MEAN?

7 A. THAT I NEED TO BE TRUTHFUL.

8 Q. OKAY. AND WHAT WAS THE PENALTY IF YOU WEREN'T TRUTHFUL?

9 A. THAT THE PLEA WOULD BE NO GOOD.

10 Q. OKAY. NOW, THERE'S ALSO A SECTION IN YOUR PLEA AGREEMENT
11 WHERE THE GOVERNMENT AGREES TO DO SOME THINGS OR THE UNITED
12 STATES AGREES, IS THAT CORRECT?

13 A. YES, MA'AM.

14 Q. OKAY. I'M GOING TO DIRECT YOUR ATTENTION SPECIFICALLY TO
15 SECTION E OF YOUR PLEA AGREEMENT WHERE THE GOVERNMENT AGREES
16 THAT IT WILL MAKE KNOWN TO THE COURT AT SENTENCING THE FULL
17 EXTENT OF THE DEFENDANT'S COOPERATION, BUT THE UNITED STATES
18 IS NOT PROMISING TO MOVE FOR DEPARTURE PURSUANT TO SEVERAL
19 SECTIONS, 5K1.1 AND A UNITED STATES CODE SECTION AND A FEDERAL
20 CRIMINAL PROCEDURE SECTION. DID YOU UNDERSTAND THAT SECTION?

21 A. YES, MA'AM.

22 Q. WHAT DID YOU UNDERSTAND THAT SECTION TO MEAN?

23 A. THAT I'M NOT PROMISED ANY CREDIT FOR ANY COOPERATION I
24 GIVE TO THE GOVERNMENT.

25 Q. OKAY. NOW, MS. SMITH, IS THIS THE FIRST TIME THAT YOU

1 AND I HAVE SPOKEN?

2 A. NO, MA'AM.

3 Q. WE'VE MET ON HOW MANY PREVIOUS OCCASIONS?

4 A. TWICE IN COURT AND THREE TIMES AT NEW HANOVER COUNTY.

5 Q. OKAY. IN COURT, THAT WAS THE DAY OF YOUR ARRAIGNMENT?

6 A. YES, MA'AM.

7 Q. AND WHAT OTHER TIME?

8 A. MY PLEA AGREEMENT WHERE I SIGNED IT BECAUSE I HAD TO COME

9 BACK.

10 Q. OKAY. SO, WHEN YOU FIRST APPEARED IN COURT?

11 A. UH-HUH.

12 Q. AND THEN WHEN YOU ENTERED YOUR PLEA?

13 A. YES, MA'AM.

14 Q. DID WE TALK DURING THOSE TIMES ABOUT YOUR CASE AT ALL?

15 A. NO, MA'AM.

16 Q. OKAY. BUT WE HAVE MET ON HOW MANY OCCASIONS TO DISCUSS

17 YOUR TESTIMONY?

18 A. THREE.

19 Q. OKAY. AND AGENT PAGE WAS PRESENT FOR THOSE, IS THAT

20 CORRECT?

21 A. YES, MA'AM.

22 Q. ALL RIGHT. AND YOUR ATTORNEY TOLD YOU TO SPEAK WITH US?

23 A. YES, MA'AM.

24 Q. OKAY. NOW, DURING ANY OF THOSE MEETINGS OR ANY TIME THAT

25 WE MET HAVE I MADE YOU ANY PROMISES ABOUT YOUR TESTIMONY?

1 A. NO, MA'AM.

2 Q. HAVE I TOLD YOU THAT YOU WOULD GET SOMETHING IN EXCHANGE
3 FOR YOUR TESTIMONY?

4 A. NO, MA'AM.

5 Q. HAVE I MADE ANY REPRESENTATIONS TO YOU WHATSOEVER ABOUT
6 WHAT YOUR SENTENCE WOULD BE IN THIS CASE?

7 A. NO.

8 Q. WHO MAKES THE DECISION ABOUT WHAT YOUR SENTENCE IS?

9 A. JUDGE FOX.

10 Q. AND HE'S THE JUDGE WHO YOU ENTERED YOUR PLEA IN FRONT OF?

11 A. YES.

12 Q. AND YOU SAID YOU'VE GOT A PRIOR CONVICTION FOR
13 METHAMPHETAMINE, IS THAT CORRECT?

14 A. YES, MA'AM.

15 Q. AND THAT'S FROM 2011, IS THAT RIGHT?

16 A. YES.

17 Q. DO YOU KNOW THE DEFENDANT IN THIS CASE, DAVID LEWIS?

18 A. YES, MA'AM.

19 Q. HOW DO YOU KNOW DAVID LEWIS?

20 A. I'VE KNOWN HIM FOR FIVE OR SIX YEARS NOW.

21 Q. HOW DID YOU MEET HIM?

22 A. I WENT TO GO DROP SOME DOPE OFF AT THE CORVETTE SHOP.

23 Q. OKAY. WHEN YOU SAY DOPE, WHAT KIND OF -- THERE ARE
24 DIFFERENT KINDS OF THINGS --

25 A. METHAMPHETAMINE, YES.

1 Q. OKAY. METHAMPHETAMINE. YOU WENT TO TAKE METHAMPHETAMINE
2 TO THE CORVETTE SHOP?

3 A. UH-HUH.

4 Q. WHO WERE YOU DOING THAT FOR?

5 A. SHANNON GRIMES.

6 Q. WHEN WAS THIS?

7 A. '05.

8 Q. 2005?

9 A. UH-HUH.

10 Q. HOW DO YOU KNOW SHANNON GRIMES?

11 A. HE WAS A FRIEND OF MINE.

12 Q. OKAY. AND HOW DID YOU MEET MR. GRIMES?

13 A. HE WAS -- HE'S KNOWN MY HUSBAND FOR A LONG TIME.

14 Q. OKAY. AND WHO'S YOUR HUSBAND?

15 A. C.J. MOORE.

16 Q. OKAY.

17 MS. WELLS: MAY I APPROACH, YOUR HONOR?

18 THE COURT: YES, MA'AM.

19 MS. WELLS: THANK YOU.

20 BY MS. WELLS:

21 Q. MS. SMITH, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED FOR
22 IDENTIFICATION PURPOSES AS GOVERNMENT'S EXHIBIT 100A. DO YOU
23 RECOGNIZE THE PERSON IN THAT PHOTO?

24 A. YEAH, THAT'S MY HUSBAND.

25 Q. THAT'S YOUR HUSBAND?

1 A. UH-HUH.

2 (GOVERNMENT EXHIBIT NUMBER 100A

3 WAS IDENTIFIED FOR THE RECORD.)

4 Q. OKAY. I'M GOING TO SHOW YOU NOW GOVERNMENT'S EXHIBIT
5 100, IS THAT THE SAME PICTURE AS IN GOVERNMENT'S EXHIBIT 100A?

6 A. YES, MA'AM.

7 Q. WHAT'S THE DIFFERENCE IN THE TWO EXHIBITS?

8 A. HIS NAME IS UNDER THIS ONE.

9 (GOVERNMENT EXHIBIT NUMBER 100

10 WAS IDENTIFIED FOR THE RECORD.)

11 MS. WELLS: YOUR HONOR, I'D OFFER BOTH GOVERNMENT'S
12 EXHIBIT 100 AND 100A AT THIS TIME.

13 THE COURT: THEY'RE ADMITTED.

14 (GOVERNMENT EXHIBITS NUMBER 100 AND 100A
15 WERE OFFERED AND ADMITTED INTO EVIDENCE.)

16 THE COURT: WHAT IS YOUR HUSBAND'S NAME AGAIN?

17 THE WITNESS: C.J. MOORE, CARSON JEAN MOORE.

18 THE COURT: THANK YOU.

19 BY MS. WELLS:

20 Q. NOW, YOU MET MR. GRIMES THROUGH YOUR HUSBAND?

21 A. YES, MA'AM.

22 Q. ALL RIGHT. AND YOU SAID THAT YOU TOOK METH TO THE
23 CORVETTE SHOP FOR MR. GRIMES?

24 A. UH-HUH.

25 Q. HOW DID MR. GRIMES GET THIS METHAMPHETAMINE, IF YOU KNOW?

1 A. HE COOKED IT.

2 Q. AND HOW MUCH METHAMPHETAMINE DID YOU DELIVER TO THE

3 CORVETTE SHOP FOR MR. GRIMES?

4 A. A HALF A GRAM.

5 Q. A HALF A GRAM?

6 A. UH-HUH.

7 Q. AND WHO DID YOU TAKE IT TO?

8 A. DAVID LEWIS.

9 Q. OKAY. DID MR. LEWIS HAVE A NICKNAME?

10 A. DOG.

11 Q. AND DID MR. LEWIS PAY YOU FOR THIS METH?

12 A. YES.

13 Q. HOW MUCH DID HE PAY YOU?

14 A. \$50.

15 Q. HOW MANY TIMES DID YOU DELIVER METHAMPHETAMINE TO THE

16 CORVETTE SHOP FOR SHANNON GRIMES?

17 A. JUST THAT ONE TIME.

18 Q. ALL RIGHT. NOW, HOW DID YOU COME TO CONTINUE YOUR

19 RELATIONSHIP WITH MR. LEWIS?

20 A. I WAS GOING DOWN 301 HIGHWAY BY THE SHOP AND MY CAR BROKE

21 DOWN. I PULLED INTO THE SHOP. MY WATER PUMP WENT OUT.

22 Q. AND ABOUT -- I'M SORRY, GO AHEAD.

23 A. MY WATER PUMP WENT OUT ON THE CAR AND I PULLED INTO THE

24 SHOP.

25 Q. ABOUT HOW LONG AFTER YOU DELIVERED THIS HALF A GRAM OF

1 METH TO DAVID LEWIS DID THAT HAPPEN?

2 A. JUST A COUPLE WEEKS.

3 Q. OKAY. AND YOU PULLED INTO THE JOB AND WHAT, IF ANYTHING,
4 DID DOG OR MR. LEWIS DO FOR YOU WHEN YOU DID THAT?

5 A. HE WAS LOOKING AT MY CAR. I HAD TO WAIT FOR HIM TO GET
6 BACK. HE WASN'T THERE WHEN I GOT THERE, I WAS SPEAKING TO HIS
7 STEPSON, DAVID LLOYD.

8 Q. OKAY. AND I'M GOING TO SHOW YOU GOVERNMENT'S 97, IT'S
9 ALREADY IN EVIDENCE. IT'S GOING TO COME UP ON THE SCREEN AND
10 YOU MAY HAVE TO SIT UP OR STAND UP TO LOOK AT IT.

11 A. UH-HUH.

12 Q. DO YOU RECOGNIZE --

13 A. YES, THAT'S DAVID LLOYD.

14 (GOVERNMENT EXHIBIT NUMBER 97

15 WAS IDENTIFIED FOR THE RECORD.)

16 Q. THAT'S DAVID LLOYD. SO, YOU WERE TALKING WITH DAVID --
17 DID YOU ALL CALL DAVID DAVID?

18 A. YES.

19 Q. OKAY. DID ANYBODY CALL HIM JUNIOR?

20 A. YES.

21 Q. ALL RIGHT. YOU WERE TALKING TO HIM AND DAVID LEWIS OR
22 DOG COMES BACK TO THE SHOP, IS THAT RIGHT?

23 A. YES, MA'AM.

24 Q. AND DID HE DO ANYTHING FOR YOU, DOG?

25 A. HE TOOK A LOOK AT MY CAR.

1 Q. OKAY. AND WAS -- WHEN YOU SAY HE TOOK A LOOK AT IT, DID
2 HE FIX IT?

3 A. NO, I KNEW THAT -- HE DECIDED THAT MY WATER PUMP WENT
4 OUT. THAT'S WHY MY CAR WAS OVERHEATING. SO, WE TRIED TO
5 ORDER A WATER PUMP.

6 Q. OKAY. AND WHILE YOU WERE AT THE SHOP DID YOU DO
7 ANYTHING?

8 A. NO.

9 Q. OKAY. DID YOU ANSWER PHONES FOR HIM?

10 A. NOT THAT DAY, NO.

11 Q. NOT THAT DAY. WHEN DID THAT HAPPEN?

12 A. A COUPLE WEEKS LATER.

13 Q. OKAY. AND WHY WERE YOU AT THE SHOP ON THAT OCCASION?

14 A. I STARTED TALKING TO HIS STEPSON, DAVID.

15 Q. DAVID?

16 A. YEAH. AND, YOU KNOW, I GOT ACQUAINTED WITH EVERYBODY AT
17 THE SHOP AND I WAS DOING DOPE AND HE SAID HE NEEDED SOMEBODY
18 TO HELP ORGANIZE THE OFFICE AND ANSWER THE PHONE. SO, THAT'S
19 WHAT I DID.

20 Q. OKAY. NOW, HOW LONG DID YOU WORK FOR DAVID LEWIS?

21 A. JUST A LITTLE WHILE, I GOT PREGNANT.

22 Q. OKAY. AND WERE YOU PAID FOR YOUR WORK?

23 A. YES, MA'AM.

24 Q. HOW WERE YOU PAID?

25 A. DOPE OR MONEY.

1 Q. WHAT KIND OF DOPE DID --

2 A. WE DID DOPE TOGETHER ALL THE TIME.

3 Q. OKAY. WHEN YOU TALK ABOUT DOPE, JUST TO UNDERSTAND --

4 A. METHAMPHETAMINE.

5 Q. METHAMPHETAMINE?

6 A. YES.

7 Q. JUST TO KEEP THERE FROM BEING ANY CONFUSION WITH ANY
8 OTHER KINDS OF DRUGS, OKAY? AND HOW OFTEN DID YOU WORK AT
9 THE CORVETTE SHOP DURING THIS TIME FRAME WHEN YOU WERE
10 WORKING?

11 A. OH, IT WAS CONTINUOUSLY EVERY DAY TILL ME AND DAVID ENDED
12 UP GETTING TOGETHER AND -- ME AND DAVID LLOYD ENDED UP GETTING
13 TOGETHER.

14 Q. DAVID LLOYD WHO'S IN GOVERNMENT'S EXHIBIT 97?

15 A. YES, MA'AM.

16 Q. AND WHAT DID YOU DO FOR DAVID LEWIS AT THE SHOP?

17 A. HELPED ORGANIZE HIS OFFICE AND GET HIS PAPERS TOGETHER
18 AND ANSWER THE PHONE.

19 Q. OKAY. DID YOU LEARN TO DO ANY OTHER THINGS?

20 A. NOT THEN, NO.

21 Q. NOT THEN?

22 A. HUH-UH.

23 Q. ALL RIGHT. DURING THAT TIME FRAME DID YOU EVER SEE
24 ANYBODY COOK METH AT THE SHOP?

25 A. NO, MA'AM.

1 Q. ALL RIGHT. AND WHERE -- DID YOU SEE ANYBODY USE METH AT
2 THE SHOP?

3 A. YES, MA'AM.

4 Q. AND WHO WAS USING METHAMPHETAMINE AT THE SHOP DURING THAT
5 TIME FRAME?

6 A. ME AND DAVID AND DAVID AND VAL AND -- I DON'T KNOW.
7 THERE'S A COUPLE OF PEOPLE THAT WORKED THERE. ANDY.

8 Q. OKAY. SO, DAVID. DAVID THAT'S IN GOVERNMENT'S EXHIBIT
9 97?

10 A. YES.

11 Q. OKAY. AND YOU ALSO SAID ANOTHER DAVID?

12 A. DOG.

13 Q. DOG?

14 A. UH-HUH.

15 Q. THEY USED METH AT THE SHOP WITH YOU?

16 A. YES, MA'AM.

17 Q. AS WELL AS VAL. NOW, WHO IS VAL?

18 A. DAVID'S STEPDAUGHTER.

19 Q. OKAY. I'M GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 109 AND
20 YOU CAN SIT UP IF YOU NEED TO OR STAND.

21 A. YES, MA'AM.

22 Q. DO YOU RECOGNIZE GOVERNMENT'S EXHIBIT 109?

23 A. YES, THAT'S VAL.

24 (GOVERNMENT EXHIBIT NUMBER 109
25 WAS IDENTIFIED FOR THE RECORD.)

1 Q. OKAY. THAT'S VAL. AND YOU SAID THERE WAS ALSO SOME
2 OTHER PEOPLE WORKING AT THE SHOP AND YOU IDENTIFIED SOMEBODY
3 BY THE NAME OF ANDY?

4 A. YES, MA'AM.

5 Q. DO YOU KNOW ANDY'S LAST NAME?

6 A. NO, MA'AM.

7 Q. AND THE METHAMPHETAMINE THAT YOU ALL WERE YOU USING AT
8 THAT TIME, DO YOU KNOW WHERE IT CAME FROM?

9 A. SHANNON GRIMES.

10 Q. SO, FAIR TO SAY THAT YOU AND DAVID OR JUNIOR WERE DATING?

11 A. UH-HUH.

12 Q. YOU SAID YOU GOT PREGNANT?

13 A. YES, MA'AM.

14 Q. HOW LONG AFTER YOU ALL HAD -- YOU HAD MET DOG WAS IT THAT
15 YOU GOT PREGNANT?

16 A. I'M NOT SURE.

17 Q. YEARS?

18 A. NO. JUST MONTHS.

19 Q. MONTHS?

20 A. YEAH.

21 Q. AND DID YOU KEEP WORKING AT THE CORVETTE SHOP?

22 A. AFTER I GOT PREGNANT?

23 Q. UH-HUH.

24 A. NO, MA'AM.

25 Q. WHY NOT?

1 A. BECAUSE ME AND DAVID BOUGHT A HOUSE AND I STEERED CLEAR
2 OF DRUGS. I GOT AWAY FROM THE DRUGS.

3 Q. AND WHERE'D YOU BUY YOUR HOUSE?

4 A. DAVID BOUGHT THE HOUSE IN ELM CITY.

5 Q. OKAY. WHEN WAS YOUR CHILD BORN?

6 A. JUNE OF '06.

7 Q. OKAY. BOY OR GIRL?

8 A. LITTLE GIRL.

9 Q. WHAT'S HER NAME?

10 A. ABIGAIL ELIZABETH.

11 Q. AND HOW LONG AFTER SHE WAS BORN DID YOU AND DAVID JUNIOR
12 OR JUNIOR, HOW LONG DID YOU ALL STAY TOGETHER?

13 A. WE SPLIT UP BEFORE THE BABY WAS BORN.

14 Q. OKAY. AND AFTER YOUR DAUGHTER WAS BORN, DID YOU EVER GO
15 BACK TO WORK AT THE CORVETTE SHOP?

16 A. YES, MA'AM.

17 Q. AND WHEN WAS THAT?

18 A. SHE WAS A COUPLE OF MONTHS OLD.

19 Q. AND SO THIS WAS -- SHE WAS BORN IN JUNE OF 2006. IT
20 WOULD HAVE BEEN A COUPLE OF MONTHS AFTER THAT?

21 A. IT WAS COLD OUTSIDE SO IT WAS THE WINTER OF '06.

22 Q. OKAY. AND YOU SAID YOU WENT BACK TO WORKING AT THE SHOP,
23 IS THAT CORRECT?

24 A. YES, MA'AM.

25 Q. OKAY. WHAT KIND OF THINGS ARE YOU DOING IN THE SHOP NOW?

1 A. I STARTED HELPING WITH THE CARS AND LEARNING THINGS, HOW
2 TO DO THE INTERIORS.

3 Q. OKAY. AND WERE PEOPLE STILL USING METHAMPHETAMINE AT THE
4 SHOP?

5 A. YES, MA'AM.

6 Q. WHO WAS AT THE SHOP USING METH AT THIS POINT?

7 A. STILL ANDY AND ME AND DOG. THAT WAS IT. THERE WAS
8 ANOTHER GUY THAT WORKED THERE, I CAN'T REMEMBER HIS NAME.

9 Q. OKAY. AND WHERE WAS THE METH COMING FROM NOW?

10 A. SHANNON.

11 Q. DID YOU EVER SEE SHANNON COOK AT THE SHOP?

12 A. NO, MA'AM.

13 Q. AND THIS TIME WHEN YOU WORKED FOR THE CORVETTE SHOP, HOW
14 LONG DID YOU WORK THERE?

15 A. FOR A WHILE. I THINK THAT WAS THE LONGEST PERIOD THAT I
16 WAS THERE. YEAH, IT WAS FOR A WHILE.

17 Q. ALL RIGHT. AND WHY DID YOU STOP WORKING AGAIN?

18 A. I GOT PREGNANT AGAIN.

19 Q. YOU GOT PREGNANT AGAIN?

20 A. UH-HUH.

21 Q. OKAY. NOW, WHO WAS THE FATHER OF THIS CHILD?

22 A. BRIAN SIMMONS.

23 Q. BRIAN SIMMONS?

24 A. UH-HUH.

25 Q. I'M GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 108 THAT'S

1 ALREADY IN EVIDENCE. WHO IS THAT?

2 A. THAT'S BRIAN.

3 (GOVERNMENT EXHIBIT NUMBER 108

4 WAS IDENTIFIED FOR THE RECORD.)

5 Q. THAT'S BRIAN?

6 A. UH-HUH.

7 Q. AND DOES BRIAN HAVE A BROTHER?

8 A. YES, MA'AM.

9 Q. AND WHO IS THAT?

10 A. AARON SIMMONS.

11 Q. AARON SIMMONS. SO, YOU QUIT WORKING AT THE CORVETTE
12 SHOP?

13 A. UH-HUH.

14 Q. AND THIS TIME YOU WERE PREGNANT. WERE YOU USING
15 METHAMPHETAMINE?

16 A. YES.

17 Q. DID YOU USE METHAMPHETAMINE DURING THIS PREGNANCY?

18 A. NO, MA'AM.

19 Q. OKAY.

20 A. HUH-UH. A COUPLE OF MONTHS AFTER I WAS PREGNANT, YES,
21 BUT I STOPPED.

22 Q. OKAY. A COUPLE OF MONTHS AFTER YOU WERE PREGNANT?

23 A. A COUPLE OF MONTHS -- YEAH, I WAS A COUPLE OF MONTHS
24 PREGNANT WHEN I STOPPED.

25 Q. WHEN YOU STOPPED?

1 A. YES, MA'AM.

2 Q. OKAY. AND WHEN DID YOU HAVE YOUR CHILD WHO'S FATHER IS

3 BRIAN SIMMONS?

4 A. DECEMBER OF '07.

5 Q. BOY OR GIRL?

6 A. BOY.

7 Q. AND WHAT'S HIS NAME?

8 A. CONNER.

9 Q. AFTER DECEMBER OF 2007, WHEN WAS THE NEXT TIME YOU WENT

10 BACK -- WHEN WAS THE NEXT TIME YOU SAW DAVID LEWIS OR DOG?

11 A. I ALWAYS SAW HIM. YOU KNOW, EVEN IF I WASN'T WORKING AT

12 THE SHOP, I ALWAYS, YOU KNOW, TALKED TO HIM OR SAW HIM. EVERY

13 ONCE IN A WHILE I'D STOP AT THE SHOP OR, YOU KNOW, TALK TO HIM

14 ON THE PHONE.

15 Q. OKAY. WAS THERE -- DO YOU KNOW SOMEONE BY THE NAME OF

16 MALACHI POPPEL?

17 A. YES, MA'AM.

18 Q. DID YOU INTRODUCE MALACHI POPPEL TO DAVID LEWIS?

19 A. YES, MA'AM.

20 Q. YOU DID?

21 A. UH-HUH.

22 Q. HOW DID THAT HAPPEN?

23 A. WE GOT THE BMW -- ME, MALACHI AND PHILLIP -- I THINK IT

24 WAS THAT DAY THAT WE GOT THE BMW STUCK OUT IN THE MUD AND

25 SOMEBODY PULLED US OUT AND THEY BENT THE STEERING ROD SO WE

1 DROVE TO THE CORVETTE SHOP -- AFTER WE GOT SOME DOPE -- WE
2 DROVE AND GOT SOME DOPE AND WE WENT TO THE CORVETTE SHOP TO
3 SEE IF HE COULD HELP FIX THE CAR.

4 Q. OKAY. I'M GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 103. I
5 WANT YOU TO TAKE A LOOK AT IT AND TELL ME IF YOU KNOW WHO THIS
6 IS?

7 A. YES, MA'AM, THAT'S MALACHI.

8 (GOVERNMENT EXHIBIT NUMBER 103
9 WAS IDENTIFIED FOR THE RECORD.)

10 Q. MALACHI. AND NOW I'LL SHOW YOU GOVERNMENT'S EXHIBIT 104.

11 A. YES, MA'AM, THAT'S PHILLIP.

12 (GOVERNMENT EXHIBIT NUMBER 104
13 WAS IDENTIFIED FOR THE RECORD.)

14 Q. OKAY. HOW DID YOU MEET THESE GUYS, THE POPPEL BROTHERS?

15 A. I MET THEM IN JOHNSTON COUNTY THROUGH CHRIS HODGE.

16 Q. OKAY. AND WAS PHILLIP PROVIDING COCAINE TO CHRIS HODGE
17 OR DO YOU KNOW?

18 A. NO.

19 Q. YOU DON'T KNOW?

20 A. HUH-UH. NO, PHILLIP WASN'T -- NO, CHRIS HODGE DOESN'T DO
21 COCAINE.

22 Q. OKAY. AND YOU KNEW -- WHEN DID YOU MEET THE POPPELS, DO
23 YOU REMEMBER?

24 A. I'M NOT SURE WHEN IT WAS.

25 Q. OKAY. WHERE WERE YOU LIVING?

1 A. I WAS LIVING -- I WAS LIVING IN FREMONT.

2 Q. ALL RIGHT. AND DID YOU WORK WITH EITHER ONE OF THEM?

3 A. YES.

4 Q. WHO?

5 A. WITH MALACHI AND PHILLIP. WE WERE WORKING FOR A

6 LIMOUSINE SERVICE IN RALEIGH.

7 Q. OKAY. AND WERE YOU USING DRUGS AT THAT POINT?

8 A. YES, MA'AM.

9 Q. OKAY. WAS THERE EVER A STRETCH OF TIME WHERE YOU --

10 OTHER THAN WHEN YOU WERE PREGNANT THAT YOU DIDN'T USE?

11 A. NO, MA'AM.

12 Q. AND WHERE WERE YOU GETTING -- WERE YOU USING

13 METHAMPHETAMINE?

14 A. YES, MA'AM.

15 Q. WHERE WERE YOU GETTING YOUR METHAMPHETAMINE FROM?

16 A. MIKE BATTEN.

17 Q. AND HOW DID YOU MEET MIKE BATTEN?

18 A. I'VE KNOWN HIM FOR A LONG TIME. HE'S A -- MY LITTLE

19 GIRL'S DADDY, TIMMY, HE'S PRETTY GOOD FRIENDS WITH TIMMY.

20 Q. OKAY. NOW, LET'S TALK ABOUT MR. BATTEN FOR JUST A

21 SECOND. I'M GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 89. DO

22 YOU RECOGNIZE THAT?

23 A. YES, MA'AM.

24 Q. WHO IS THAT?

25 A. THAT'S MICHAEL BATTEN.

1 (GOVERNMENT EXHIBIT NUMBER 89

2 WAS IDENTIFIED FOR THE RECORD.)

3 Q. OKAY. NOW, YOU SAID YOUR DAUGHTER'S FATHER, TIMMY?

4 A. YES, MA'AM.

5 Q. WHAT'S TIMMY'S LAST NAME?

6 A. STARLING.

7 Q. AND IS SHE OLDER OR YOUNGER THAN CONNER AND ABBY?

8 A. SHE'S OLDER.

9 Q. OKAY.

10 MS. WELLS: MAY I APPROACH, YOUR HONOR?

11 THE COURT: YES, MA'AM.

12 BY MS. WELLS:

13 Q. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED FOR
14 IDENTIFICATION PURPOSES AS GOVERNMENT'S EXHIBIT 112A.

15 A. YES, MA'AM.

16 Q. WHO IS THAT?

17 A. TIMMY STARLING.

18 (GOVERNMENT EXHIBIT NUMBER 112A

19 WAS IDENTIFIED FOR THE RECORD.)

20 Q. OKAY. AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED FOR
21 IDENTIFICATION PURPOSES AS GOVERNMENT'S EXHIBIT 112. DO YOU
22 KNOW -- IS THAT THE SAME PICTURE AS --

23 A. YES, MA'AM.

24 Q. WHAT'S THE DIFFERENCE?

25 A. HIS NAME IS AT THE BOTTOM OF THIS PICTURE.

1 (GOVERNMENT EXHIBIT NUMBER 112

2 WAS IDENTIFIED FOR THE RECORD.)

3 MS. WELLS: YOUR HONOR, I'D OFFER 112 AND 112A AT
4 THIS TIME.

5 THE COURT: THEY'RE ADMITTED.

6 (GOVERNMENT EXHIBIT NUMBER 112 AND 112A
7 WERE OFFERED AND ADMITTED INTO EVIDENCE.)

8 BY MS. WELLS:

9 Q. AND WHAT'S THE NAME OF YOUR DAUGHTER WHO MR. STARLING IS
10 THE FATHER OF?

11 A. MERCEDES STARLING.

12 Q. MERCEDES. YOU SAID THAT YOU MET MR. BATTEN THROUGH MR.
13 STARLING, IS THAT RIGHT?

14 A. YES, MA'AM.

15 Q. OKAY. AND YOU WERE GETTING METHAMPHETAMINE FROM MR.
16 BATTEN?

17 A. YES, MA'AM.

18 Q. HOW OFTEN?

19 A. EVERY TWO OR THREE DAYS.

20 Q. OKAY. AND DID YOU COLLECT PILLS FOR MR. BATTEN?

21 A. YES, MA'AM.

22 Q. AND WHY DID YOU DO THAT?

23 A. TO -- IN ORDER FOR -- BECAUSE I WAS LIVING IN RALEIGH, I
24 DIDN'T HAVE ANY CONNECTION IN RALEIGH TO GET ANY METH. SO,
25 SINCE I WAS IN RALEIGH, WE KNEW A LOT OF PEOPLE THAT COULD BUY

1 PILLS.

2 SO, WE -- ME AND PHILLIP AND MALACHI WOULD GET A
3 BUNCH OF PILLS TOGETHER AND WE'D DRIVE TO JOHNSTON COUNTY
4 EVERY TWO OR THREE DAYS AND TRADE IT FOR DOPE OR JUST WAIT FOR
5 HIM TO GET DONE COOKING SO WE COULD BRING THE DOPE BACK TO
6 RALEIGH AND IT'D LAST US A COUPLE OF DAYS.

7 Q. OKAY. SO, DID ANY OF THE METHAMPHETAMINE THAT YOU GOT
8 FROM MR. BATTEN DID YOU EVER PROVIDE THAT TO DOG?

9 A. I'M SURE. YEAH, I'M SURE. WELL, I DIDN'T -- HE DIDN'T
10 BUY ANY, NO, BUT I'M SURE WE WENT AND DONE SOME DOPE WITH HIM.

11 Q. OKAY. SO, YOU SAID THAT YOU TOOK MALACHI AND PHILLIP OUT
12 TO THE SHOP TO DEAL WITH THE SITUATION WITH THE BMW?

13 A. YES, MA'AM.

14 Q. OKAY. AND THAT THE BMW HAD BEEN TOWED AND SOMETHING HAD
15 GONE WRONG WITH THE FRONT END OF IT?

16 A. NO, WE'D GOT STUCK IN THE MUD IN THE BMW AND WE HAD TO
17 PULL IT OUT AND IT BENT THE STEERING ROD.

18 Q. OKAY. NOW, DID YOU ALL DO METHAMPHETAMINE WITH DOG ON
19 THE DAY THAT YOU TOOK THE BMW OUT THERE?

20 A. YES, MA'AM.

21 Q. DO YOU REMEMBER WHAT MONTH THAT WAS IN?

22 A. NO. HUH-UH. IT WAS -- NO.

23 Q. OR WHAT -- I'M SORRY?

24 A. I'M TRYING TO THINK. NO, I DON'T REMEMBER. IT WAS COLD
25 OUTSIDE, I KNOW THAT.

1 Q. IT WAS COLD?

2 A. YEAH.

3 Q. OKAY. DO YOU REMEMBER WHAT YEAR IT WAS?

4 A. THAT WAS IN '09.

5 Q. OKAY.

6 A. YEAH.

7 Q. SO '09. WHEN IT WAS COLD IN '09?

8 A. YES.

9 Q. ALL RIGHT. AND YOU SAID THAT YOU DID DO METHAMPHETAMINE

10 WITH DOG THAT DAY?

11 A. YES, MA'AM.

12 Q. YOU AND PHILLIP AND MALACHI?

13 A. YES, MA'AM.

14 Q. ALL RIGHT. NOW, AT SOME POINT BETWEEN THE TIME THAT YOU

15 INTRODUCED THE BROTHERS POPPEL TO DOG AND THE TIME THAT THERE

16 WAS -- ARE YOU FAMILIAR WITH A METH LAB --

17 A. YES, MA'AM.

18 Q. -- AT DOG'S HOUSE AND WHEN THAT HAPPENED?

19 A. YES, I REMEMBER WHEN THAT HAPPENED.

20 Q. OKAY. AND TO THE BEST OF YOUR RECOLLECTION, WHEN DID

21 THAT HAPPEN?

22 A. A COUPLE OF WEEKS AFTER I INTRODUCED THEM.

23 Q. SO, NOT LONG AFTER?

24 A. YES, MA'AM, NOT LONG AFTER.

25 Q. YOU WERE ARRESTED, IS THAT RIGHT?

1 A. (WITNESS NODS HEAD.)

2 Q. AND WHAT WERE YOU ARRESTED FOR?

3 A. A PARAPHERNALIA CHARGE. THEY PULLED US OVER -- THEY WERE
4 WATCHING THE HOUSE I WAS AT AND WHEN WE LEFT THE HOUSE, THEY
5 PULLED US OVER AND THEY FOUND AN EMPTY BAGGIE IN MY POCKETBOOK
6 AND I HAD FIVE WARRANTS FOR DRIVING TICKETS FROM 2002.

7 AND THEN THEY ENDED UP GOING BACK TO THE HOUSE AND
8 FINDING PHILLIP WITH THE DOPE -- WITH THE METHAMPHETAMINE AND
9 A POUND OF WEED AND A BUNCH OF GUNS AND EVERYTHING ELSE.

10 Q. SO, YOU GOT CHARGED?

11 A. YES, MA'AM.

12 Q. ALL RIGHT. AND WHERE DID YOU GO AND STAY AFTER YOU GOT
13 OUT OF JAIL?

14 A. MY MOM'S HOUSE.

15 Q. OKAY. SO, WERE YOU IN WILSON THE DAY THAT THIS METH LAB
16 HAPPENED?

17 A. NO, MA'AM.

18 Q. AND DO YOU HAVE ANY PERSONAL KNOWLEDGE ABOUT THIS
19 METHAMPHETAMINE LAB?

20 A. JUST WHAT I'VE HEARD. HEARSAY.

21 Q. JUST WHAT YOU'VE HEARD, BUT NOT -- BUT YOU DON'T HAVE ANY
22 PERSONAL KNOWLEDGE ABOUT IT?

23 A. NO, MA'AM.

24 Q. OKAY.

25 A. I WAS NOWHERE NEAR THE SHOP.

1 Q. ALL RIGHT. YOU TALKED TO MR. POPPEL THAT DAY BEFORE THE
2 METH LAB HAPPENED?

3 A. YES, MA'AM.

4 Q. YOU DID?

5 A. UH-HUH.

6 Q. AND WHAT WAS THAT CONVERSATION ABOUT?

7 A. HIS CAR. HE WAS HAVING TROUBLE WITH HIS CAR AND HE
8 WANTED ME TO GET UP WITH DOG FOR HIM.

9 Q. OKAY. AND DID YOU DO THAT?

10 A. YES, MA'AM.

11 Q. OKAY. AND THEN DID YOU SPEAK TO MR. POPPEL AFTER THAT AT
12 ANY --

13 A. YES, MA'AM. I CANNOT REMEMBER IF I CALLED DOG AND GAVE
14 DOG POPPEL'S NUMBER OR I CALLED DOG AND FOUND OUT IF IT WAS
15 OKAY AND GAVE HIM DOG'S NUMBER. ONE WAY OR THE OTHER. BUT I
16 REMEMBER CALLING DOG AFTER I TALKED TO PHILLIP.

17 Q. OKAY. BUT YOU PUT THE TWO OF THEM TOGETHER THAT DAY?

18 A. YES.

19 Q. ALL RIGHT. NOW, AFTER FEBRUARY OF 2010, WHEN THIS LAB
20 WAS FOUND AT DAVID LEWIS'S SHOP, DID YOU GO TO THE SHOP ON A
21 REGULAR BASIS?

22 A. AFTER THAT?

23 Q. UH-HUH.

24 A. NO, MA'AM.

25 Q. WHERE WERE YOU LIVING THEN?

1 A. WITH MY MOM.
2 Q. WITH YOUR MOM?
3 A. UH-HUH.
4 Q. AND WAS THERE A TIME IN WHICH YOU BEGAN TO GO BACK TO THE
5 SHOP MORE FREQUENTLY?
6 A. YES, MA'AM.
7 Q. WHEN WAS THAT?
8 A. IT WAS A COUPLE OF MONTHS LATER.
9 Q. AND WHY DID YOU START GOING BACK MORE FREQUENTLY TO THE
10 SHOP THEN?
11 A. I HAD MOVED BACK TO THE AREA.
12 Q. OKAY.
13 A. LIKE BACK IN WILSON COUNTY.
14 Q. AND DID YOU START HELPING DOG OUT AT THE SHOP?
15 A. YES, MA'AM.
16 Q. WHEN YOU'RE IN THE SHOP THIS TIME, DID YOU SEE ANYBODY
17 COOK METHAMPHETAMINE THERE?
18 A. NO, MA'AM.
19 Q. DID YOU SEE ANY ITEMS THAT LED YOU TO BELIEVE THAT
20 SOMEBODY MIGHT BE COOKING METHAMPHETAMINE THERE?
21 A. NO, MA'AM.
22 Q. YOU DID NOT?
23 A. THIS WAS IN 2010.
24 Q. THIS WAS 2010. DID YOU EVER COOK METHAMPHETAMINE AT THE
25 CORVETTE SHOP?

1 A. YES, MA'AM.

2 Q. WHEN DID YOU DO THAT?

3 A. IN '11. 2011.

4 Q. OKAY. LET'S STAY IN 2010 THEN.

5 A. OKAY.

6 Q. WHEN YOU'RE THERE IN 2010, YOU WERE FIRST GOING BACK TO

7 THE SHOP. ARE PEOPLE STILL COMING TO THE SHOP AS A PLACE TO

8 USE METHAMPHETAMINE?

9 A. OH, YES, MA'AM.

10 Q. AND DID YOU SEE SALES OF METHAMPHETAMINE?

11 A. YES.

12 Q. AND WHO DID YOU SEE SALES BETWEEN?

13 A. DOG AND AARON OR -- EVERYBODY, YOU KNOW.

14 Q. WHO'S EVERYBODY?

15 A. EVERYBODY THAT WAS HANGING AT THE SHOP; AARON, VAL. I

16 THINK AMANDA WAS HANGING OUT THERE THEN. THERE WAS A WHOLE

17 BUNCH OF US THERE IN AND OUT ALL THE TIME.

18 Q. WHO'S AMANDA?

19 A. AMANDA SPENCER. SHE WAS DATING AARON.

20 Q. I'M GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 111.

21 A. YES, MA'AM, THAT'S HER.

22 (GOVERNMENT EXHIBIT NUMBER 111

23 WAS IDENTIFIED FOR THE RECORD.)

24 Q. DID YOU SEE MR. LEWIS EXCHANGE PILLS WITH ANYONE,

25 PSEUDOEPHEDRINE PILLS?

1 A. YES, MA'AM.

2 Q. WITH WHO?

3 A. AARON.

4 Q. ANYONE ELSE?

5 A. ME.

6 Q. YOU?

7 A. UH-HUH.

8 Q. HOW MANY TIMES DID YOU SEE HIM GIVE PILLS TO AARON?

9 A. A COUPLE OF TIMES.

10 Q. OKAY. AND HOW MANY BOXES WOULD HE GIVE AARON AT A TIME?

11 A. JUST ONE MAYBE. MAYBE TWO.

12 Q. OKAY. AND DID HE RECEIVE ANY -- DID DOG RECEIVE ANYTHING

13 IN EXCHANGE FOR THOSE METHAMPHETAMINE -- FOR THOSE

14 PSEUDOEPHEDRINE PILLS?

15 A. YES, MA'AM.

16 Q. WHAT WAS THAT?

17 A. A HALF A GRAM OF DOPE, METHAMPHETAMINE.

18 Q. AND YOU SAID THAT HE GAVE YOU BOXES OF PSEUDOEPHEDRINE AS

19 WELL?

20 A. YES, MA'AM.

21 Q. AND WHAT DID YOU RECEIVE -- WHAT DID HE RECEIVE IN

22 EXCHANGE FOR GIVING YOU PSEUDOEPHEDRINE?

23 A. HE GAVE ME SOME TO COOK WITH, BUT I LEFT. I DIDN'T COOK

24 AT THE SHOP.

25 Q. OKAY. DID YOU GIVE HIM ANYTHING?

1 A. NO, MA'AM.

2 Q. DID YOU -- DID HE GET ANY BENEFIT AT ALL FROM HAVING

3 GIVEN THAT PSEUDOEPHEDRINE TO YOU?

4 A. WELL, I CAME BACK TO THE SHOP A COUPLE OF DAYS LATER AND

5 HAD SOME DOPE ON ME, SOME METHAMPHETAMINE.

6 Q. OKAY. AND DID YOU GIVE THAT TO HIM?

7 A. NO, HE DID IT WITH ME THOUGH.

8 Q. BUT YOU ALL -- YOU GOT HIGH WITH HIM?

9 A. YES, MA'AM.

10 Q. OKAY. AND WHEN -- IF YOU REMEMBER, WHEN WAS THAT?

11 A. IN MAY OF 2011.

12 Q. THAT WAS IN MAY OF 2011, THAT THAT HAPPENED?

13 A. UH-HUH.

14 Q. OKAY. WE KEEP JUMPING AHEAD TO 2011. LET'S TALK ABOUT

15 2010.

16 A. OKAY.

17 Q. DID YOU -- DURING THAT TIME FRAME, 2010, YOU DIDN'T COOK

18 AT THE SHOP THEN?

19 A. NO, MA'AM.

20 Q. DID YOU SEE ANYBODY ELSE COOK AT THE SHOP AT THAT TIME?

21 A. NO, MA'AM.

22 Q. BUT YOU DID SEE METH EXCHANGED AND PILLS EXCHANGED DURING

23 THAT TIME PERIOD?

24 A. YES, MA'AM.

25 Q. ALL RIGHT. AND DID YOU SEE DAVID LEWIS USE

1 METHAMPHETAMINE?

2 A. YES, MA'AM.

3 Q. DID YOU USE METHAMPHETAMINE WITH HIM?

4 A. YES, MA'AM.

5 Q. AND DID YOU USE METHAMPHETAMINE WITH OTHER PEOPLE THERE?

6 A. YES, MA'AM.

7 Q. NOW, WAS THERE EVER A POINT IN TIME WHERE YOU BELIEVED

8 OTHER PEOPLE MIGHT BE COOKING METHAMPHETAMINE AT THE SHOP?

9 A. YES, MA'AM.

10 Q. WHEN WAS THAT?

11 A. WHEN DUSTIN WAS HANGING OUT THERE.

12 Q. OKAY. AND THAT WOULD HAVE BEEN --

13 A. SO, IN '09.

14 Q. -- IN 2009, IS THAT RIGHT?

15 A. YES. YES, MA'AM.

16 Q. OKAY. WHAT LED YOU TO BELIEVE THAT SOMEONE WAS COOKING

17 AT THE SHOP?

18 A. THE WAY DUSTIN WAS TALKING TO ME WHEN I WAS THERE BECAUSE

19 I HADN'T SEEN DUSTIN IN YEARS AND I SEEN HIM AT THE SHOP FOR

20 THE FIRST TIME IN YEARS. AND, YEAH, THE WAY HE WAS TALKING TO

21 ME THEN.

22 Q. ALL RIGHT. NOW, AFTER 2010, DID YOU EVER COME TO BELIEVE

23 THAT OTHER PEOPLE MIGHT BE COOKING AT THE SHOP?

24 A. YES, MA'AM.

25 Q. AND HOW DID THAT -- HOW DID YOU COME TO BELIEVE THAT AT

1 THAT TIME?

2 A. IN 2011?

3 Q. 2011.

4 A. YES, MA'AM. I FOUND SOME LEFTOVER TRASH FROM SOMEBODY
5 WHO HAD BEEN COOKING, A GENERATOR, WHICH IS A BOTTLE MADE --
6 CUT TO PUT A HOSE IN. IT WAS LEFT IN THE BACK AND ALL THE
7 EMPTY TANKS THAT WERE BACK THERE.

8 Q. OKAY. WHAT KIND OF TANKS WERE THEY?

9 A. THEY WERE PROPANE TANKS.

10 Q. SO, YOU SAID YOU SAW A GENERATOR. DID YOU SEE ANY OTHER
11 ITEMS?

12 A. SULFURIC ACID IN THE BATHROOM IN THE CABINETS AND
13 PITCHERS AND SALT.

14 Q. OKAY. AND DID YOU TALK TO DOG ABOUT THAT? DID YOU ASK
15 HIM ANY QUESTIONS ABOUT IT?

16 A. IT WAS AARON'S STUFF.

17 Q. HOW DO YOU KNOW THAT?

18 A. BECAUSE DOG TOLD ME.

19 Q. DOG TOLD YOU THAT?

20 A. UH-HUH.

21 Q. NOW, YOU SAID THAT MR. LEWIS BOUGHT PILLS --
22 PSEUDOEPHEDRINE PILLS FOR YOU?

23 A. YES, MA'AM.

24 Q. AND HOW MANY TIMES DID HE DO THAT?

25 A. ONLY A COUPLE OF TIMES.

1 Q. OKAY. DID HE EVER ASK ANYONE TO BUY PILLS ON YOUR BEHALF
2 THAT YOU KNOW ABOUT?

3 A. YES, MA'AM.

4 Q. AND WHO WAS THAT?

5 A. A GUY NAMED CHRIS AND SCOOBY.

6 Q. AND WHO'S SCOOBY?

7 A. HE LIVES IN LUCAMA.

8 MS. WELLS: MAY I APPROACH, YOUR HONOR?

9 THE COURT: YES, MA'AM.

10 BY MS. WELLS:

11 Q. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED FOR
12 IDENTIFICATION PURPOSES AS GOVERNMENT'S EXHIBIT 92A. DO YOU
13 RECOGNIZE THAT PERSON?

14 A. YES, MA'AM, THAT'S SCOOBY.

15 (GOVERNMENT EXHIBIT NUMBER 92A
16 WAS IDENTIFIED FOR THE RECORD.)

17 Q. OKAY. SHOWING YOU GOVERNMENT'S EXHIBIT 92. WHAT'S THE
18 DIFFERENCE BETWEEN 92 AND 92A?

19 A. HIS NAME IS UNDERNEATH THAT ONE AND HIS NICKNAME.

20 (GOVERNMENT EXHIBIT NUMBER 92
21 WAS IDENTIFIED FOR THE RECORD.)

22 MS. WELLS: YOUR HONOR, I'D OFFER GOVERNMENT'S
23 EXHIBIT 92 AND 92A AT THIS TIME.

24 THE COURT: THEY'RE ADMITTED.

25 (GOVERNMENT EXHIBIT NUMBER 92 AND 92A

1 WERE OFFERED AND ADMITTED INTO EVIDENCE.)

2 BY MS. WELLS:

3 Q. AND HOW MANY TIMES WHEN YOU WERE PRESENT DID MR. LEWIS
4 ASK EITHER SCOOBY OR CHRIS TO BUY PILLS FOR YOU?

5 A. JUST ONCE OR TWICE.

6 Q. AND HOW MANY PILLS DID YOU GET ON THOSE OCCASIONS?

7 A. I THINK THE FIRST TIME I GOT A BOX, MAYBE TWO BOXES, FROM
8 CHRIS AND SOMEBODY ELSE THAT RAN TO WILSON. AND THEN THE
9 SECOND TIME WAS WHEN ME, DAVID AND SCOOBY WERE RIDING THROUGH
10 GOLDSBORO.

11 Q. OKAY. AND HOW MANY BOXES DID YOU GET THAT TIME?

12 A. TWO.

13 Q. AND WHO BOUGHT THOSE BOXES?

14 A. SCOOBY.

15 Q. OKAY. WERE YOU EVER THERE WHEN DOG OR DAVID LEWIS GAVE
16 PILLS TO ANYONE ELSE -- PSEUDOEPHEDRINE PILLS TO ANYBODY ELSE?

17 A. YES, MA'AM.

18 Q. WHO DID YOU SEE HIM GIVE OTHER PILLS TO?

19 A. OVER YEARS TIMES OR JUST IN GENERAL LIKE IN 2011?

20 Q. OVER THE TIME THAT YOU WERE THERE.

21 A. SHANNON GRIMES, DUSTIN, ME, AARON, KEVIN. I THINK THAT'S
22 IT.

23 Q. OKAY. DID YOU EVER HAVE DAVID LEWIS PAY FOR OTHER ITEMS
24 FOR YOU TO PRODUCE METHAMPHETAMINE WITH OTHER THAN
25 PSEUDOEPHEDRINE PILLS?

1 A. YES, MA'AM.

2 Q. AND HOW DID THAT -- WHAT OTHER ITEMS DID HE PAY FOR?

3 A. WHEN WE WERE IN GOLDSBORO THAT DAY WHEN SCOOBY BOUGHT THE

4 PILLS, I STOPPED AT TRACTOR SUPPLY AND GOT LYE, ACETONE, HOSE

5 AND BATTERIES.

6 Q. OKAY. AND WHAT KIND OF BATTERIES DID YOU GET?

7 A. LITHIUM BATTERIES.

8 Q. AND WHO PAID FOR THOSE?

9 A. DAVID.

10 Q. WHO'S DRIVING THAT DAY?

11 A. DAVID.

12 Q. DO YOU DRIVE?

13 A. NO, MA'AM, I'M NOT SUPPOSED TO.

14 Q. YOU'RE NOT SUPPOSED TO?

15 A. NO.

16 Q. BUT, I MEAN, HAVE YOU DRIVEN WITHOUT A LICENSE? YOU'VE

17 DRIVEN WITHOUT A LICENSE?

18 A. YES.

19 Q. BUT YOU DON'T HAVE A DRIVER'S LICENSE?

20 A. NO, MA'AM.

21 Q. DO YOU HAVE AN I.D.?

22 A. NO, MA'AM.

23 Q. SO, ON THAT OCCASION IN GOLDSBORO, HE PAID FOR THOSE

24 ITEMS YOU'VE LISTED THAT YOU PURCHASED AT TRACTOR SUPPLY?

25 A. YES, MA'AM.

1 Q. ON OTHER OCCASIONS, DID HE HELP YOU OBTAIN INGREDIENTS SO
2 THAT YOU COULD COOK METHAMPHETAMINE?

3 A. YES, MA'AM.

4 Q. WOULD HE TAKE YOU TO GET THOSE INGREDIENTS?

5 A. NO, HE DIDN'T -- HE DIDN'T TAKE ME. I GOT A RIDE FROM
6 THE SHOP. HE WAS BUSY WORKING.

7 Q. SO, WOULD HE GET SOMEONE TO TAKE YOU?

8 A. YES, MA'AM.

9 Q. AND WHO WOULD TAKE YOU?

10 A. ANYBODY. ANYBODY THAT WAS AVAILABLE. I THINK ONE
11 MORNING I TOOK THE TRUCK TO GET SOME COLD PACKS.

12 Q. WHICH TRUCK?

13 A. THE TRUCK WE WERE BUSTED ON IN JUNE.

14 Q. OKAY.

15 A. THE BLACK TRUCK.

16 Q. THE BLACK TRUCK?

17 A. UH-HUH.

18 Q. ALL RIGHT. NOW, I WANT TO TALK ABOUT JANUARY OF 2011.

19 A. YES, MA'AM.

20 Q. DID YOU GET ARRESTED IN JANUARY OF 2011?

21 A. YES, MA'AM.

22 Q. WHERE DID YOU GET ARRESTED?

23 A. AT DAYS INN IN KENLY.

24 Q. OKAY. AND YOU GOT ARRESTED FOR HAVING A METH LAB AT THE
25 DAYS INN, IS THAT CORRECT?

1 A. YES, MA'AM.

2 Q. AND HOW LONG DID YOU STAY IN JAIL?

3 A. UNTIL APRIL 6TH.

4 Q. OF 2011?

5 A. YES, MA'AM.

6 Q. AND WHEN YOU GOT OUT, DID YOU GO BACK TO THE CORVETTE

7 SHOP?

8 A. YES, MA'AM.

9 Q. NOW, WE TALKED ABOUT THIS TIME WHEN YOU GO TO GOLDSBORO

10 AND YOU'RE WITH SCOOBY AND DOG AND YOU BUY THESE SUPPLIES AT

11 THE TRACTOR SUPPLY AND YOU BUY PILLS. WHAT DO YOU THEN DO?

12 A. WE WENT BACK TO THE SHOP.

13 Q. OKAY. AND WHEN YOU GET BACK TO THE SHOP, DOES ANYBODY

14 MEET YOU THERE?

15 A. BRITTANY DID.

16 Q. OKAY. AND HOW DO YOU KNOW BRITTANY?

17 A. I ACTUALLY MET HER IN JAIL IN JANUARY.

18 Q. OKAY. I'M GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 102,

19 AND ASK IF YOU RECOGNIZE IT?

20 A. YES, MA'AM, THAT'S BRITTANY.

21 (GOVERNMENT'S EXHIBIT NUMBER 102

22 WAS IDENTIFIED FOR THE RECORD.)

23 Q. THAT'S BRITTANY?

24 A. UH-HUH.

25 Q. AND WHEN YOU MET BACK AT THE SHOP, DID BRITTANY BRING

1 ANYTHING FOR A METHAMPHETAMINE COOK?

2 A. YES, MA'AM. WE COULDN'T FIND ANY DRY ICE SO SHE -- BY
3 THE TIME WE GOT BACK TO THE SHOP, YOU KNOW, I THINK WE
4 COULDN'T GET A RIDE OR SOMETHING, SOMEBODY HAD THE CAR BECAUSE
5 HIS WIFE DROVE THE CAR TOO. SO, I CALLED BRITTANY FROM
6 JOHNSTON COUNTY AND SHE WENT TO WILSON AND PICKED UP DRY ICE
7 AND BROUGHT IT TO ME.

8 Q. OKAY. AND WHEN BRITTANY BROUGHT THE DRY ICE, DID YOU
9 THEN COOK AT THE CORVETTE SHOP?

10 A. YES, MA'AM.

11 Q. WHERE DID YOU COOK?

12 A. IN THE BACK IN THE INTERIOR TRAILER.

13 Q. IN THE INTERIOR TRAILER?

14 A. YES, MA'AM.

15 Q. WHERE IS THE INTERIOR AS COMPARED TO THE SHOP?

16 A. RIGHT BESIDE IT.

17 Q. AND DID ANYONE HELP YOU GET SET UP SO THAT YOU COULD
18 COOK?

19 A. YES, MA'AM.

20 Q. WHO DID THAT?

21 A. I THINK DOG WENT OUT THERE AND SHOWED ME HOW TO DO THE
22 TRAILER WITH THE FAN -- BROUGHT THE FAN OUT THERE SO I COULD,
23 YOU KNOW -- BECAUSE AARON HAD COOKED IN THE TRAILER BEFORE
24 BECAUSE I WAS NOT GOING TO GO IN THERE AND SHUT THE DOOR, YOU
25 KNOW.

1 I WAS GOING TO COOK IN THE BACK ROOM AND HE SAID,
2 NO, THAT AARON DID IT IN THE INTERIOR TRAILER. SO, THAT'S
3 WHAT I DID. AND A GUY NAMED CHRIS STOOD BACK THERE AND
4 WATCHED THAT FOR ME.

5 Q. DID YOU EVER SEE AARON COOK IN THE INTERIOR TRAILER
6 YOURSELF?

7 A. NO, MA'AM.

8 Q. THAT'S WHAT DOG TOLD YOU THAT THAT HAD HAPPENED?

9 A. YES, MA'AM.

10 Q. OKAY. SO YOU HAD A FAN. DID YOU GO -- WAS THERE A TABLE
11 SET UP IN THERE?

12 A. YES, MA'AM.

13 Q. HOW WAS IT -- WHO SET THAT TABLE UP?

14 A. THE TABLE WAS ALREADY IN THERE AND A COOLER TOO.

15 Q. OKAY. AND SO DOG GOT A FAN FOR YOU, IS THAT RIGHT?

16 A. UH-HUH.

17 Q. HOW DO YOU COOK METHAMPHETAMINE, MS. SMITH? HOW DO YOU
18 DO IT?

19 A. I MAKE AMMONIA.

20 Q. YOU MAKE AMMONIA?

21 A. YES, OUT OF AMMONIA NITRATE AND LYE.

22 Q. OKAY. HOW DO YOU -- HOW DOES THAT PROCESS WORK MAKING
23 AMMONIA?

24 A. IT PRODUCES A GAS. WHEN YOU MIX THE LYE AND THE AMMONIA
25 TOGETHER WITH A LITTLE BIT OF WATER IT PRODUCES A GAS AND YOU

1 PUT A COIL OR CONDENSER ON IT AND ATTACH IT TO THE TWO-LITER
2 BOTTLE THAT YOU'VE GOT YOUR AMMONIA NITRATE AND YOUR LYE IN
3 AND IT CONDENSES DOWN WHERE THE DRY ICE AND THE ACETONE IS
4 AROUND IT TO COOL IT. AND BY THE TIME IT DROPS IN THE CATCH
5 BOTTLE IT'S A LIQUID ANHYDROUS AMMONIA.

6 Q. OKAY. AND ONCE YOU'VE DONE THAT, THEN YOU CAN COOK WITH
7 THAT --

8 A. YES, MA'AM.

9 Q. -- AMMONIA, IS THAT CORRECT?

10 A. YES, MA'AM.

11 Q. ON THIS PARTICULAR DAY, DO YOU RECALL HOW MANY BOXES YOU
12 USED OF PSEUDOEPHEDRINE?

13 A. TWO OR THREE BOXES.

14 Q. AND WHAT KIND OF -- AND THOSE BOXES, DO YOU RECALL WHAT
15 TYPE OF PSEUDOEPHEDRINE YOU HAD THAT DAY?

16 A. 20 120'S.

17 Q. WHAT'S A 20 120?

18 A. IT'S 20 TABLETS OF 120 MILLIGRAMS OF PSEUDOEPHEDRINE.

19 Q. OKAY. SO, 20 120'S?

20 A. UH-HUH.

21 Q. OKAY. AND HOW MUCH PSEUDOEPHEDRINE IS IN A BOX OF 20
22 120'S?

23 A. THERE'S 20 TABLETS IN THERE.

24 Q. OKAY. AND HOW MUCH COULD YOU GET BACK?

25 A. WITH ONE BOX?

1 Q. WITH ONE BOX.

2 A. ABOUT 2.2 GRAMS.

3 Q. 2.2 GRAMS OF METHAMPHETAMINE?

4 A. UH-HUH.

5 Q. DID ANYONE COME TO THE SHOP WHILE YOU WERE COOKING
6 METHAMPHETAMINE THAT DAY?

7 A. YES, MA'AM.

8 Q. WHO CAME TO THE SHOP?

9 A. AARON SHOWED UP. VAL SHOWED UP. A BUNCH OF PEOPLE
10 SHOWED UP.

11 Q. OKAY. DID AARON COME BACK AND SEE YOU COOKING?

12 A. YES, MA'AM.

13 Q. ARE YOU AWARE OF WHETHER OR NOT KEVIN HALPIN WAS THERE
14 THAT DAY?

15 A. YES, HE WAS THERE.

16 Q. OKAY.

17 A. YES, MA'AM.

18 Q. AND WHERE WAS DAVID LEWIS WHILE YOU WERE COOKING
19 METHAMPHETAMINE?

20 A. IN THE SHOP FREAKING OUT.

21 Q. HE WAS AWARE -- HE WAS FREAKING OUT?

22 A. YES.

23 Q. WHY?

24 A. BECAUSE HE ALWAYS FREAKS OUT WHEN YOU COOK DOPE. I DON'T
25 THINK HE LIKES TO BE AROUND IT.

1 Q. AND DID YOU EVER BRING ANY PORTION OF THAT COOK INSIDE
2 THE SHOP?

3 A. YES, MA'AM.

4 Q. WHERE DID YOU BRING IT?

5 A. INTO THE BATHROOM.

6 Q. OKAY. AND WHY'D YOU BRING IT IN THE BATHROOM?

7 A. SO I COULD SHOOT IT.

8 Q. WHAT DOES IT MEAN TO SHOOT? WHEN YOU SAY YOU SHOOT IT,
9 WHAT DOES THAT MEAN?

10 A. YOU TAKE THE SALT AND THE SULFURIC ACID AND YOU MAKE A
11 GENERATOR AND IT PRODUCES A SMOKE. AND WHEN YOU PUT THE SMOKE
12 INTO THE LIQUID, YOUR FINISHED PRODUCT, IT -- AS SOON AS IT
13 HITS THE MOLECULES IN IT, IT TURNS INTO CRYSTAL METH.

14 Q. OKAY.

15 MS. WELLS: MAY I APPROACH, YOUR HONOR?

16 THE COURT: YES, MA'AM.

17 BY MS. WELLS:

18 Q. MS. SMITH, I'M GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 48
19 AND ASK IF YOU RECOGNIZE THAT?

20 A. YES, MA'AM, THAT'S THE BATHROOM I WAS SHOOTING IN.

21 (GOVERNMENT EXHIBIT NUMBER 48
22 WAS IDENTIFIED FOR THE RECORD.)

23 Q. OKAY. IS THAT A FAIR AND ACCURATE DEPICTION OF HOW THAT
24 BATHROOM LOOKED AROUND THE TIME THAT YOU WERE DOING THIS?

25 A. YES, MA'AM.

1 MS. WELLS: YOUR HONOR, I'D OFFER GOVERNMENT'S
2 EXHIBIT 48 AT THIS TIME.

3 THE COURT: IT'S ADMITTED.

4 MS. WELLS: THANK YOU.

5 (GOVERNMENT EXHIBIT NUMBER 48 WAS
6 OFFERED AND ADMITTED INTO EVIDENCE.)

7 BY MS. WELLS:

8 Q. WHAT HAPPENED TO THE TRASH FROM THIS METHAMPHETAMINE
9 COOK?

10 A. DAVID STARTED A FIRE IN THE BURN BARREL OUT FRONT.

11 Q. OKAY. DAVID LEWIS?

12 A. UH-HUH.

13 Q. AND HE STARTED A FIRE IN THE BURN BARREL IN THE FRONT?

14 A. UH-HUH.

15 Q. WHAT HAPPENED WITH THE TRASH?

16 A. I WAS HANDING IT OFF TO CHRIS WHO WAS TAKING IT TO DAVID.
17 THEY WERE TAKING IT OUT THERE AND BURNING IT.

18 Q. OKAY. IS THAT COMMON --

19 A. YES, MA'AM.

20 Q. -- TO BURN YOUR TRASH FROM METHAMPHETAMINE COOKS?

21 A. YES, MA'AM.

22 Q. WHY IS THAT?

23 A. TO LEAVE NO EVIDENCE.

24 Q. WAS THAT THE ONLY TIME THAT YOU COOKED METH THERE?

25 A. NO, I'VE COOKED ONE MORE TIME THERE.

1 Q. OKAY. AND DO YOU REMEMBER OR RECALL WHEN THAT WAS?

2 A. NOT TOO LONG AFTER THAT BECAUSE I HADN'T PRODUCED ENOUGH

3 AMMONIA TO THROW ALL MY PILLS.

4 Q. WHEN YOU SAY YOU HADN'T PRODUCED ENOUGH AMMONIA, THAT WAS

5 DURING YOUR FIRST COOK?

6 A. YES, MA'AM. SO, I JUST THREW HALF MY PILLS, YEAH.

7 Q. OKAY. SO, YOU ONLY PRODUCED HALF OF WHAT YOU COULD COOK?

8 A. YES, MA'AM.

9 Q. SO, YOU -- AND WHY WAS THAT?

10 A. BECAUSE I DIDN'T MAKE ENOUGH AMMONIA. I RAN OUT OF -- I

11 DIDN'T HAVE ENOUGH AMMONIA NITRATE.

12 Q. OKAY. AND HOW WERE YOU GETTING AMMONIA NITRATE?

13 A. THROUGH COLD PACKS.

14 Q. AND DID YOU TRY TO GET MORE COLD PACKS?

15 A. YES, MA'AM.

16 Q. AND WHO WAS TRYING TO HELP YOU GET MORE COLD PACKS?

17 A. DOG.

18 Q. AND WAS HE SUCCESSFUL? DID HE PROVIDE YOU ANYTHING?

19 A. NO, NOT THAT DAY.

20 Q. NO.

21 A. I ENDED UP SHOOTING THE DOPE AND WE ENDED UP DOING THE

22 DOPE AND SITTING AROUND.

23 Q. AND WHO'S WE?

24 A. ME AND DOG AND BRITTANY AND CHRIS.

25 Q. OKAY. NOW, THE SECOND TIME YOU COOKED YOU SAID IT WASN'T

1 TOO LONG AFTER THAT?

2 A. YES, WE ATTEMPTED TO COOK.

3 Q. YOU ATTEMPTED TO COOK?

4 A. UH-HUH.

5 Q. OKAY. WHERE DID YOU START THE SECOND COOK?

6 A. THE SAME PLACE, IN THE INTERIOR TRAILER. WE STARTED IN
7 THE BACK OF THE SHOP BECAUSE WE COULDN'T GET ANYWHERE TO GET
8 DRY ICE AND YOU HAVE TO HAVE SOMETHING TO COOL YOUR CONDENSER
9 DOWN. SO, INSTEAD OF THAT YOU CAN USE PROPANE. SO, THERE'S A
10 BUNCH OF PROPANE TANKS LAYING AROUND THE SHOP. SO, I ASKED,
11 YOU KNOW, TO SEE IF WE COULD GET PROPANE OUT OF THE TANKS.

12 SO, ME AND DOG TRIED TO GET PROPANE OUT OF THE
13 TANKS, FLIPPED THEM UPSIDE DOWN AND, YOU KNOW, MADE A HOSE TO
14 PUT ON THEM SO WE COULD GET THE PROPANE OUT OF THE TANKS.

15 Q. OKAY. SO, HOW DO YOU -- WHEN YOU'RE TRYING TO GET THE
16 PROPANE -- YOU AND DOG ARE TRYING TO DO THIS, IS THAT RIGHT?

17 A. UH-HUH. YES, MA'AM.

18 Q. AND WHAT DO -- DO YOU PUT A TUBE ON THE END OF THE TANK?

19 A. YEAH, YOU HOOK A HOSE TO THE NOZZLE ON THE TANK.

20 Q. OKAY. AND THEN WHAT -- WHO'S HOOKING THE HOSE UP?

21 A. HE DID IT FOR ME.

22 Q. OKAY. AND WHAT ARE YOU DOING?

23 A. I WAS HOLDING THE PITCHER TO CATCH IT.

24 Q. OKAY. AND WERE YOU ABLE TO GET ENOUGH PROPANE FOR YOU TO
25 BE ABLE TO COOK?

1 A. NO, MA'AM.

2 Q. HOW MANY BOXES OF PSEUDOEPHEDRINE DID YOU HAVE AT THAT

3 POINT TO TRY TO COOK WITH?

4 A. THREE.

5 Q. ARE THOSE THE ONLY TWO TIMES THAT YOU COOKED AT THE SHOP?

6 A. YES, MA'AM.

7 Q. ON JUNE 30TH OF 2011, DID YOU GET ARRESTED WITH DAVID

8 LEWIS?

9 A. YES, MA'AM.

10 Q. WHERE WERE YOU PRIOR TO -- I WANT YOU TO START THE DAY

11 BEFORE AND WALK UP TO THE TIME THAT YOU ALL GOT ARRESTED.

12 WHERE WERE YOU -- WERE YOU WITH MR. LEWIS THE DAY BEFORE YOU

13 GOT ARRESTED?

14 A. NO, MA'AM.

15 Q. OKAY. WHERE WERE YOU?

16 A. COOKING DOPE WITH CHRIS HODGE.

17 Q. OKAY. AND WHERE WAS THAT?

18 A. IN JOHNSTON COUNTY.

19 Q. NOW, DID YOU HAVE A COURT DATE AROUND THAT TIME?

20 A. YES, MA'AM, THAT MONDAY.

21 Q. THAT MONDAY?

22 A. UH-HUH.

23 Q. AND HOW WERE YOU SUPPOSED TO GET TO COURT?

24 A. DOG WAS SUPPOSED TO TAKE ME TO COURT.

25 Q. AND DID THAT HAPPEN?

1 A. NO, MA'AM.

2 Q. WHAT HAPPENED AS A RESULT OF YOU NOT GOING TO COURT?

3 A. HE TOOK ME STRAIGHT HOME TO MY MOM'S HOUSE AND DROPPED ME
4 OFF WHERE THERE'S NO VEHICLE. HE SAID HE HAD TO GO MEET A
5 CUSTOMER. I STAYED AT THE SHOP ALL MORNING -- ALL NIGHT AND
6 WAS PREPARED TO GO TO COURT -- PREPARED FOR HIM TO TAKE ME TO
7 COURT AND HE DROPPED ME OFF AT MY MOM'S HOUSE AND LEFT ME
8 THERE WITH NO RIDE TO COURT.

9 Q. OKAY. AND WHEN WAS THIS?

10 A. MONDAY.

11 Q. MONDAY?

12 A. BEFORE WE GOT -- YEAH.

13 Q. OKAY. AND THEN YOU ENDED UP SOMEHOW IN JOHNSTON COUNTY?

14 A. JOHNSTON COUNTY BECAUSE I HAD A WARRANT FOR MY ARREST. I
15 HAD TO LEAVE MY MOM'S HOUSE.

16 Q. SO, YOU LEFT YOUR MOM'S AND WENT TO JOHNSTON?

17 A. YES, MA'AM.

18 Q. OKAY. YOU WERE WITH CHRIS HODGE, IS THAT RIGHT?

19 A. YES, MA'AM.

20 Q. AND ON THE DAY OF YOUR ARREST DID YOU HAVE CONTACT WITH
21 DAVID LEWIS? DID YOU ALL TALK ON THE PHONE?

22 A. YES. THE DAY OF MY ARREST HE WAS WITH ME, YES.

23 Q. HOW DID YOU AND MR. LEWIS GET TOGETHER SINCE YOU WERE IN
24 JOHNSTON COUNTY AT SOMEPLACE ELSE?

25 A. HE CALLED ME AND TOLD ME HE WAS RIDING OUT TO WADE'S

1 HOUSE.

2 Q. WHO'S WADE?

3 A. WADE TURNAGE TO DELIVER SOME DOOR PANELS AND TO GET SOME
4 DOPE.

5 Q. ALL RIGHT. AND WHAT DID HE WANT YOU TO DO?

6 A. TO RIDE WITH HIM.

7 Q. WHY?

8 A. TO GO LOOK AT -- TO TAKE THE DOOR PANELS OUT THERE TO
9 WADE'S. I KNOW WADE.

10 Q. AND DID YOU AGREE TO DO THAT?

11 A. YES, MA'AM.

12 Q. AND HOW DID YOU GET FROM WHERE -- WHERE WERE YOU WHEN YOU
13 TALKED TO DOG?

14 A. I WAS AT BERNIE MACK'S HOUSE.

15 Q. AT BERNIE MACK'S HOUSE?

16 A. YES, MA'AM.

17 Q. AND WHO IS BERNIE MACK?

18 A. HE'S A FRIEND OF MINE.

19 Q. NOW, HOW DID YOU GET FROM BERNIE MACK'S TO MEET UP WITH
20 DOG?

21 A. WELL, SINCE I WAS LEAVING JOHNSTON COUNTY I HAD A COUPLE
22 OF BAGS THAT I NEEDED TO PICK UP FROM ANDY'S HOUSE ON FIRE
23 HILL ROAD. SO, BERNIE -- AND BRITTANY WAS WITH ME TOO.

24 SO, BERNIE DROVE ME TO ANDY'S HOUSE AND I TOLD
25 BRITTANY SHE HAD TO STAY THERE BECAUSE I HAD TO GO WITH DOG TO

1 SEE ABOUT A JOB. AND SHE PUT MY BAGS IN THE BACK OF BERNIE'S
2 TRUCK AND WE DROVE TO 42 AND I TOLD DOG I'D MEET HIM ON 42
3 HIGHWAY PAST THE WILSON COUNTY LINE.

4 Q. OKAY. AND DID YOU ALL MEET THERE?

5 A. YES, MA'AM.

6 Q. AND WHAT DID YOU HAVE WITH YOU THAT DAY?

7 A. TWO BAGS OF CLOTHES AND A BAG WITH SOME PRECURSOR
8 CHEMICALS IN IT.

9 Q. OKAY. WHO WERE THE CLOTHES FOR?

10 A. MY DAUGHTER MERCEDES.

11 Q. OKAY. AND WHAT WERE YOU DOING WITH A BAG OF PRECURSOR
12 CHEMICALS?

13 A. ALL THE STUFF WAS AT ANDY'S HOUSE AND HIS DAD FOUND OUT
14 THAT HE WAS -- THAT PEOPLE WERE COOKING DOPE OVER THERE, NOT
15 JUST ME, BUT CHRIS HODGE. SO, HE GATHERED UP EVERYTHING THAT
16 COULD BE, YOU KNOW, SUBSTANTIAL TO GET HIM IN TROUBLE AND HE
17 LOADED IT UP IN A BAG AND HE PUT IT IN THE BACK OF THE TRUCK
18 AND TOLD ME TO TAKE IT WITH ME.

19 Q. OKAY. AND WHAT DID YOU LOAD IT UP IN?

20 A. THE BLACK TRUCK.

21 Q. OKAY. WHAT DID YOU LOAD THE PRECURSOR STUFF UP IN?

22 A. OH, IT WAS ALREADY LOADED UP IN A BLUE BACKSACK.

23 Q. ALL RIGHT. AND YOU WENT -- YOU MET DOG AT 40-42, IS THAT
24 WHAT YOU ALL -- OR DID YOU JUST MEET HIM OFF --

25 A. JUST ON 42, YES.

1 Q. JUST ON 42, OKAY. AND WHERE DID YOU PLACE THE BACKPACK?

2 A. IN THE BACK OF THE TRUCK.

3 Q. AND WHERE DID YOU PLACE THE OTHER BAGS?

4 A. MY PURSE AND ANOTHER BAG I PUT IN THE FRONT OF THE TRUCK.

5 Q. OKAY. AND AFTER YOU GOT IN THE CAR WITH DOG WHERE DID

6 YOU GO?

7 A. TO WADE TURNAGE'S HOUSE.

8 Q. OKAY. AND HOW FAR A RIDE IS THAT FROM WHERE YOU WERE?

9 A. PROBABLY ABOUT 30, 45 MINUTES.

10 Q. OKAY. AND WHERE DOES WADE TURNAGE LIVE?

11 A. NEWTON GROVE.

12 Q. WHEN YOU GOT TO WADE'S -- LET ME BACK UP. WHAT

13 PRECURSORS DID YOU HAVE IN THIS BACKPACK?

14 A. I WASN'T FOR SURE AT THE TIME, BUT IT WAS AMMONIA NITRATE

15 AND SULFURIC ACID AND SOME LYE, I THINK THERE WAS LYE IN

16 THERE, AND SOME TUBING AND A FUNNEL.

17 Q. OKAY. WHAT DO YOU -- YOU SAY YOU WEREN'T SURE AT THE

18 TIME.

19 A. YES, MA'AM.

20 Q. WHY WERE YOU NOT SURE?

21 A. BECAUSE I WASN'T FOR SURE WHAT ANDY HAD AT HIS HOUSE.

22 SOME OF MY STUFF AT ANDY'S -- I LEFT SOME OF MY STUFF AT

23 ANDY'S BECAUSE I'D COOKED THERE BEFORE.

24 Q. OKAY.

25 A. SO, HE GATHERED UP EVERYTHING THAT WAS -- YOU KNOW, COULD

1 GET HIM IN TROUBLE AND JUST PUT IT IN THE BACKSACK.

2 Q. OKAY. FAIR TO SAY WHEN YOU PUT THE BACKPACK IN BERNIE
3 MACK'S CAR, YOU KNEW YOU HAD ITEMS TO PRODUCE METHAMPHETAMINE
4 WITH?

5 A. OH, YES, MA'AM.

6 Q. AND WHEN YOU GOT IN WITH DOG, DID YOU ALL DISCUSS WHAT
7 YOU HAD IN YOUR BAGS?

8 A. WHEN WE WERE AT WADE TURNAGE'S, I DID.

9 Q. WHEN YOU WERE AT WADE'S?

10 A. UH-HUH.

11 Q. YOU GET TO WADE'S AND WHAT HAPPENS WHEN YOU GET THERE?

12 A. WE DID SOME DOPE WITH WADE.

13 Q. OKAY. WHAT -- WHEN YOU SAY DOPE?

14 A. METHAMPHETAMINE.

15 Q. METHAMPHETAMINE. AND DID YOU ALL MAKE ANY PURCHASES OF
16 METHAMPHETAMINE FROM WADE TURNAGE?

17 A. DOG DID.

18 Q. DOG DID?

19 A. UH-HUH.

20 Q. AND WHAT DID HE PURCHASE?

21 A. A GRAM.

22 Q. WERE THERE ACTUALLY DOOR PANELS?

23 A. YES, MA'AM.

24 Q. OKAY. AND WHAT DID YOU DO WITH THE DOOR PANELS?

25 A. WE GOT OUT AND SHOWED WADE AND WE CLEANED THEM UP FOR

1 WADE.

2 Q. OKAY. AND DID YOU LEAVE THE DOOR PANELS THERE AT WADE
3 TURNAGE'S?

4 A. YES, MA'AM.

5 Q. NOW, WHILE YOU'RE AT WADE TURNAGE'S HOUSE WITH MR. LEWIS
6 YOU'VE GOTTEN HIGH?

7 A. UH-HUH.

8 Q. MR. LEWIS BOUGHT A GRAM OF METH OFF OF WADE TURNAGE, IS
9 THAT CORRECT?

10 A. I THINK HE TRADED IT FOR THE DOOR PANELS.

11 Q. TRADED IT FOR THE DOOR PANELS?

12 A. YES, MA'AM.

13 Q. ALL RIGHT. DID YOU RECEIVE ANY PHONE CALLS?

14 A. YES, MA'AM.

15 Q. WHO CALLS YOU?

16 A. TERESA.

17 Q. WHO'S TERESA?

18 A. SHE'S A FRIEND OF MINE.

19 Q. OKAY.

20 A. WAS A FRIEND OF MINE.

21 Q. WHERE DOES TERESA LIVE?

22 A. IN BROGDEN IN JOHNSTON COUNTY.

23 THE COURT: WE'RE GOING TO STOP FOR THE DAY.

24 MEMBERS OF THE JURY, WE'LL START TOMORROW MORNING AT NINE
25 O'CLOCK. AND AS YOU DID THIS MORNING, IF YOU'LL REPORT JUST A

1 MINUTE OR TWO BEFORE 9:00, WE'LL GET A PROMPT START.

2 REMEMBER THE ADMONITIONS ABOUT TALKING ABOUT THE
3 CASE OR READING ABOUT IT. HAVE A NICE EVENING RECESS.

4 (OUT OF THE PRESENCE OF THE JURY AND ALTERNATES.)

5 THE COURT: MS. SMITH, YOU MAY STEP DOWN.

6 THE WITNESS: THANK YOU.

7 THE COURT: COUNSEL, IS ANYTHING WE NEED TO TAKE UP
8 TONIGHT?

9 MS. WELLS: NOT THAT THE GOVERNMENT'S AWARE OF, YOUR
10 HONOR.

11 MR. STEWART: NOT FROM THE DEFENSE, YOUR HONOR.

12 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. WE'LL
13 TAKE A RECESS TILL 9:00 A.M.

14 (WHEREUPON, THESE PROCEEDINGS RECESSED AT 4:33 P.M.,
15 TO RECONVENE AT 9:00 A.M., ON NOVEMBER 17, 2011.)

I CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE
TRANSCRIPT OF SAID PROCEEDINGS.

/s/ STACY SCHWINN
STACY SCHWINN, CCR, CVR

2/17/12
DATE